

SIDLEY

SIDLEY AUSTIN LLP
1001 BRICKELL BAY DRIVE
SUITE 900
MIAMI, FL 33131
+1 305 391 5100
+1 305 391 5101 FAX

+1 305 391 5218
IROSS@SIDLEY.COM

January 15, 2024

By ECF and Facsimile

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Kristi Jordan v. Crunch, LLC*, No. 1:24-cv-7118
Unopposed Letter Motion Seeking Leave to file Amended Motion to Compel and
for Entry of Briefing Schedule

Dear Judge Hellerstein:

The parties jointly submit this letter on behalf of Defendant, Crunch, LLC (“Crunch”) and Plaintiff Kristi Jordan in the above-referenced action.

As referenced in Plaintiff’s submission yesterday, the parties have met and conferred regarding Crunch’s Motion to Compel Arbitration and Stay Proceedings and accompanying filings, ECF Nos. 18-20 (collectively, the “Motion”), and Plaintiff’s request to take limited discovery relating to certain contract formation issues relevant to the Motion. In the course of the parties’ meet and confer efforts, Crunch determined that the form of membership agreement attached to and referenced in the Motion was inadvertently a form used in 2024, not 2023, when Plaintiff signed up for her Crunch membership. Crunch has produced the 2023 form of the membership agreement to Plaintiff, and the parties have met and conferred regarding the filing of an amended Motion, and the discovery sought by Plaintiff. The parties have negotiated and agreed on a schedule for the discovery requested by Plaintiff and the briefing of the Motion.

The parties are mindful of the Court’s Order yesterday regarding Plaintiff’s response deadline, and respectfully submit that there is good cause for the entry of the proposed schedule. The parties respectfully note that, in Plaintiff’s prior submission to the Court in December, they had contemplated the possibility that Plaintiff would seek limited discovery relating to certain contract formation issues in the Motion. The parties respectfully submit that it would be in the interests of judicial economy and preserve the Court and parties’ resources to (1) allow Crunch to file its amended Motion, so the 2023 version of the membership agreement that Crunch contends Plaintiff agreed to is presented with the Motion, and (2) allow the parties to complete the limited

SIDLEY

Page 2

discovery they have negotiated before their briefing is completed, so that any factual disputes relating to the Motion are presented to the Court in a single set of briefing.

The parties thus jointly request that the Court enter the following schedule for discovery and briefing relating to the Motion:

Event	Deadline
Defendant files amended Motion and memoranda of law (with supporting declarations)	January 17
Plaintiff serves written discovery (as negotiated by the parties)	January 24
Defendant responds to written discovery (as negotiated by the parties)	February 5
Parties to resolve open discovery issues and complete one deposition (via Zoom)	February 6 - 28
Plaintiff's Opposition to Defendant's Motion	March 14
Defendant's Reply in support of Motion	March 28

Thank you for the Court's attention to this matter.

Respectfully submitted,

/s/ Ian M. Ross
Ian M. Ross

Counsel for Crunch, LLC

/s/ Tyler Some
Tyler Some

Counsel for Kristi Jordan

cc: Counsel of record (via ECF)